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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,854	01/31/2006	Dong-Heon Lee	229900803	9956
7590 John M Janeway Graybeal Jackson Haley 155- 108th Ave NE Suite 350 Bellevue, WA 98004-5973		EXAMINER SHEDRICK, CHARLES TERRELL		
		ART UNIT 2617		
		MAIL DATE 04/08/2008		
		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/566,854

Applicant(s)

LEE, DONG-HEON

Examiner

CHARLES SHEDRICK

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF 298)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al US Patent Pub. No.: 2003/0172121 in view of Kwon, Korean Patent Abstract 1020010016442 A

Consider **claim 1**, Evans teaches a method for providing multimedia messages between an originating terminal unit and a receiving terminal unit, comprising: receiving transmission data including a text message from the originating terminal unit (e.g., **the sending user's terminal with respect to at least paragraph 0022**); obtaining an identifier of the receiving terminal unit--hereinafter referred to as a "receiving terminal identifier"--on the basis of the transmission data (e.g., **compatible or incompatible identifier such as device model as noted in at least 0025, 0031, claim 6, claim 20 and figure 3c**), searching the information database using the receiving terminal identifier to

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obtain profile information about the receiving terminal unit(e.g., **compatible or incompatible identifier such as device model as noted in at least 0025, 0031, claim 6, claim 20 and figure 3c**), and determining whether the receiving terminal unit has capability of receiving(e.g., **compatible or incompatible identifier such as device model as noted in at least 0025, 0031, claim 6, claim 20 and figure 3c**), processing and displaying the multimedia message in a message format on the basis of the profile information (e.g., **the media is processed based on the compatibility (e.g., see at least paragraph 0028 as well as abstract and invention summary)**); (1) if it is determined that the receiving terminal unit has the capability, transmitting the multimedia message to the receiving terminal unit in a message format(e.g., **the media is processed based on the compatibility (e.g., see at least paragraph 0028 as well as abstract and invention summary)**); (2) while if it is determined that the receiving terminal unit does not have the capability, placing the multimedia message at a specific location on a mobile communication network, reconstructing the text message to allow access information to the location to be included in the text message, and transmitting the reconstructed text message to the receiving terminal unit, thus providing the multimedia message to browsing means of the receiving terminal unit when the browsing means attempts to access the location (**abstract, figures 3a-3c, and paragraph 0005-0008**)(i.e., **the basis of the invention is to provide MM to incompatible terminals**).

However, Evans does not specifically teach obtaining an identifier of the originating terminal unit—hereinafter referred to as an "originating terminal identifier"-- on the basis of the transmission data, searching an information database using the originating terminal identifier to obtain an avatar image of an originator, and creating a

multimedia message, in which the avatar image and the text message are displayed as a single image, by combining an image of the text message with the avatar image.

In analogous art, Kwon teaches obtaining an identifier of the originating terminal unit--hereinafter referred to as an "originating terminal identifier"--on the basis of the transmission data, searching an information database using the originating terminal identifier to obtain an avatar image of an originator, and creating a multimedia message, in which the avatar image and the text message are displayed as a single image, by combining an image of the text message with the avatar image (e.g., see **purpose and constitution of invention**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Evans to include obtaining an identifier of the originating terminal unit--hereinafter referred to as an "originating terminal identifier"--on the basis of the transmission data, searching an information database using the originating terminal identifier to obtain an avatar image of an originator, and creating a multimedia message, in which the avatar image and the text message are displayed as a single image, by combining an image of the text message with the avatar image as taught by Kwon for the purpose of improving multimedia messaging as taught

Consider claim 2 and as applied to multimedia message provision method according to claim 1, Evans as modified by Kwon teaches the downloading the avatar image to the receiving terminal unit in response to a request from the receiving terminal unit (i.e., downloading images)(**paragraph 0029**).

However in analogous art, Kwon teaches downloading the avatar image to the receiving terminal unit in response to a request from the receiving terminal unit.

Consider **claim 3**, Evans as modified by Kwon teaches a computer-readable recording medium for storing a program for implementing the multimedia message provision method of claim 1 (**abstract and paragraph 0036**).

Consider **claim 4**, Evans as modified by Kwon teaches a computer-readable recording medium for storing a program for implementing the multimedia message provision method of claim 2(**abstract and paragraph 0036**).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES SHEDRICK whose telephone number is (571)272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harper Paul can be reached on (571)-272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

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Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VINCENT P. HARPER/

Supervisory Patent Examiner, Art Unit 2617

/Charles Shedrick/

Examiner, Art Unit 2617

March 28, 2008